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DOLLAR TREE STORES, INC.

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16

17 KASSONDRA BAAS and KELLY LOFQUIST,
18 individually and on behalf of all others
similarly situated,

19 Plaintiffs,

20 v.

21 DOLLAR TREE STORES, INC.,

22 Defendant.
23
24
25
26
27
28

CASE NO. C 07-03108 JSW (ENE)

**DECLARATION OF DAVID
McDEARMON IN OPPOSITION TO
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION**

DATE: April 4, 2008
TIME: 9:00 a.m.
DEPT.: Crtrm. 2, 17th Floor
JUDGE: Hon. Jeffrey S. White

COMPLAINT FILED: June 13, 2007
TRIAL DATE: No date set.

1
2 I, David McDearmon, declare as follows:

3 1. I am over the age of eighteen and have personal knowledge of the facts
4 set forth below. If called upon as a witness, I could testify competently thereto.
5

6 2. I am employed by Dollar Tree Management, Inc. ("DTM"), a wholly owned
7 subsidiary of Dollar Tree Stores, Inc. ("DTS") (DTM and DTS shall be referred to
8 collectively as "Dollar Tree"), as its Director of Human Resources/Field. DTS has
9 several wholly owned subsidiaries, including DTM, which operate from the same location
10 as DTS' corporate office and exist for the sole purpose of providing support for the
11 operations of DTS, its other wholly owned subsidiaries and affiliated companies.
12

13 3. Each Dollar Tree retail location has a Store Manager. The Store Manager
14 is responsible for the running of the store, including hiring and terminating employees,
15 training employees, ordering merchandise, scheduling, reviewing and approving payroll,
16 maintaining business records, driving sales, supervising the store employees and
17 ensuring proper running of all aspects of the store.
18

19 4. Each Dollar Tree retail location may also have two, three or more Assistant
20 Managers. The Assistant Managers perform some of the Store Manager's duties when
21 the Store Manager is not in the store including supervising non-management hourly
22 employees.
23

24 5. Store Managers are classified as exempt; Assistant Managers are
25 classified as nonexempt hourly employees. All other retail store employees are
26 classified as nonexempt hourly employees, with the vast majority of them working a part-
27 time schedule of fewer than five hours per day.
28

1 6. Dollar Tree also employs District Managers who oversee the operation of
2 the approximately 10-12 stores that comprise each district. Currently, there are 24
3 districts in California. The District Manager is responsible for ensuring the stores in his
4 or her district follow Dollar Tree's policies and are productive stores. The District
5 Manager is the Store Manager's primary connection to Dollar Tree. Effective February
6 1, 2008, each district in California is part of one of four regions that encompass
7 California. Prior to that date, each district in California was part of three regions to
8 encompass that state. Each region is headed by a Regional Director. The different
9 regions also have their own assigned regional training and human resources personnel.

11 7. Dollar Tree trains its Store Managers and Assistant Managers
12 ("Management Team") with regard to all federal and state employment laws as well as
13 those Dollar Tree policies governing those laws.

15 8. Dollar Tree expects its Management Team to implement and enforce all
16 laws and Dollar Tree policies.

17 9. Kassondra Baas and Kelly Lofquist were Assistant Store Managers. As
18 part of Dollar Tree's Management Team, they were expected to implement, to comply
19 with and to ensure that hourly associates complied with all of Dollar Tree's policies.
20 Specifically, Dollar Tree expected Baas and Lofquist to ensure that the time records
21 accurately captured all time worked by employees.

23 10. Dollar Tree's Policies & Procedures for Editing and Approving Time
24 Records, produced at Bates Number DTB1394, explains management's responsibilities
25 regarding reviewing time records and ensuring their accuracy.


26 11. Dollar Tree policy also requires that each employee sign a weekly Payroll
27 Summary Report attesting to the accuracy of the time for which s/he is being paid.
28

1 12. Dollar Tree has terminated management employees who have falsified
2 time records or who have had employees work off the clock.

3 13. Dollar Tree Store Managers and Assistant Store Managers are required to
4 post the applicable Wage Orders in their retail stores for all employees to read.

5 I declare under penalty of perjury that the foregoing is true and correct.

6 Executed in Chesapeake, Virginia this 5th day of March, 2008.

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